

VZCZCXRO7354
PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHVJ #2046/01 2681738
ZNY CCCCC ZZH
P 251738Z SEP 07
FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 7115
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHNO/USMISSION USNATO PRIORITY 0165
RUEKJCS/JCS WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUFOAOA/USNIC SARAJEVO BK PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 002046

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DEPT FOR EUR (DICARLO), EUR/SCE (HOH, FOOKS), S/WCI
(WILLIAMSON, LAVINE); NSC FOR BRAUN; DOD FOR CAGAN, FATA,
BEIN; USNIC FOR WIGHTMAN

E.O. 12958: DECL: 09/25/2017

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SUBJECT: BOSNIA - BUGOJNO WAR CRIMES AND DEFENSE MINISTER
CIKOTIC

REF: A) SARAJEVO 1999 B) SARAJEVO 832

Classified By: Michael J. Murphy. Reasons 1.4 (B) and (D)

1. (C) SUMMARY: On September 19, the State Prosecutor,s Office confirmed indictments of two individuals in its ongoing investigation of war crimes committed by the Army of Bosnia and Herzegovina (ABiH) in and around Bugojno during the 1992-1995 war. Bugojno was the scene of heavy fighting between the ABiH and Croat Defense Forces (HVO) in 1993-1994, and current Defense Minister Citkotic was commander of ABiH units based in the area at this time. Cikotic is not mentioned in the indictment, but Croat war veterans groups have repeatedly accused Cikotic of war crimes. A contact at the State Prosecutor,s office told us that a Cikotic indictment for &command responsibility8 was possible, but emphasized that it is still too early to make that determination. Regardless, the press surrounding the Bugojno trials is likely to reinvigorate Croat war veterans, anti-Cikotic campaign. Cikotic is a valuable U.S. ally and a strong proponent of defense reform. Though he has been cleared of wrongdoing in the past, if Cikotic were indicted or forced to resign, it would be a major setback. END SUMMARY

FIRST INDICTMENT CONFIRMED IN BUGOJNO CASE

2. (U) On September 19, the State Prosecutor,s Office confirmed its first indictment for war crimes committed by the Army of Bosnia and Herzegovina (ABiH) in the village of Bugojno between 1993 and 1994. Prosecutors accused Nisvet Gasal and Musajb Kukavica of directing war crimes that took place at the Iskra prison camp. Gasal, the prison camp,s commander, and Kukavica, the camp,s security chief, allegedly oversaw the beating, torture, and inhumane treatment of more than 300 Bosnian Croat civilians, some of whom were also murdered. The men also allegedly took part in the disappearance of more than 13 Croats who were taken to the headquarters of the ABiH,s 307th Brigade and presumably killed. Their trial is expected to begin in the next two to three months. Police have arrested two other suspects as part of the ongoing investigation, but neither have been charged with any crime.

A POSSIBLE CIKOTIC LINK

¶3. (C) For months, Croats, particularly Croat war veterans groups, have pressured the State Prosecutor's Office to hand down indictments in the Bugojno case. Zeljko Komsic, the Croat member of the Tri-Presidency, has also repeatedly called for the Bugojno investigation to remain a priority. (Note: Earlier in the year, his Chief of Staff told us that Komsic's aim was to improve his standing among Croat voters, many of whom do not see him as a 'real Croat' because he fought with the ABiH during the 1992-1995 war and was elected with mainly Bosniak votes. End Note) Croat war veterans, unlike Komsic, have also focused their public campaign on Cikotic, opposing his nomination as Minister of Defense and accusing him of 'command responsibility' for war crimes committed in and around Bugojno. Cikotic was a Major with 'Operational Group West', whose area of operation included Bugojno.

¶4. (C) When asked about Cikotic's alleged role in Bugojno war crimes, a prosecutor and good contact at the State Prosecutor's Office told us that there is a chance Cikotic could be indicted, but emphasized that it was too early in the Bugojno investigation to say for certain whether he would be. The prosecutor said Cikotic was not mentioned in the Gasal or Kukavica indictments, but it appeared that Cikotic had command responsibility of the Iskra detention camp for at least part of the time when the alleged crimes took place. The prosecutor told us that he understood the International Criminal Tribunal of the Former Yugoslavia (ICTY) told NATO several years ago that ICTY believed it did not have a case against Cikotic. However, our contact pointed out that this did not mean that evidence against Cikotic did not exist or

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that another institution could not initiate a case against him.

COMMENT

¶5. (C) It is too early to jump to conclusions, but the possibility that the case against Gasal and Kukavica may produce incriminating evidence against Minister Cikotic is troubling. We have maintained that Cikotic, who has been repeatedly cleared of war crimes by ICTY and NATO, should be prosecuted if evidence linking him to crimes surfaces. However, the case against him to date has largely manifested itself in the form of unsubstantiated assertions made primarily by Croat war veterans groups. We do not rule out the possibility that people indicted on Bugojno war crime charges may falsely accuse him of having command responsibility in an attempt to save their own skins. Minister Cikotic has been a key supporter of U.S. and NATO goals and has provided momentum to defense reform, which remains Bosnia's most important achievement and one of the few bright spots in an otherwise gloomy political environment. If Cikotic were hounded from office by unsubstantiated allegations, or more seriously, forced to resign because he was indicted, Bosnia would suffer a major setback.

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